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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,185

10/11/2005

Kerry D Hinson

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07/27/2006

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EXAMINER

ESHETE, ZELALEM

ART UNIT

PAPER NUMBER

3748

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/524,185

Applicant(s)

HINSON ET AL.

Examiner

Zelalem Eshete

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/10/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim limitation that the "housing made of non conductive material" of claim 3 is already recited by claim 1

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim limitation "the electrical bridge does not extend along an exposed surface of the housing" cannot be understood in light of the drawings and the specification.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Accordingly the claimed limitation "the electrical bridge does not extend along an exposed surface of the housing" should be deleted.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Platz (6,416,341).

Regarding claims 1,3: Platz discloses a composite cover with an electrical bridge comprising a base component; a housing mounted to the base component defining an enclosure therein (see figure 1); the housing made of non conductive material (see abstract) at least one electrical connector integrally formed with the housing (see numeral 5), the at least one electrical connector including one or more electrical leads

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that extend through the housing for allowing electrical energy to pass from an electrical source outside the housing (see numeral 3) to an electrical device within the enclosure (see numeral 7), thereby forming an electrical bridge between the electrical source and the electrical device wherein "the electrical bridge does not extend along an exposed surface of the housing" .

Regarding claim 2: Mathew discloses a seal disposed between the base component and the housing (see figure 1; numeral 8).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathew et al. (5,035,637) in view of Santella (5,375,569).

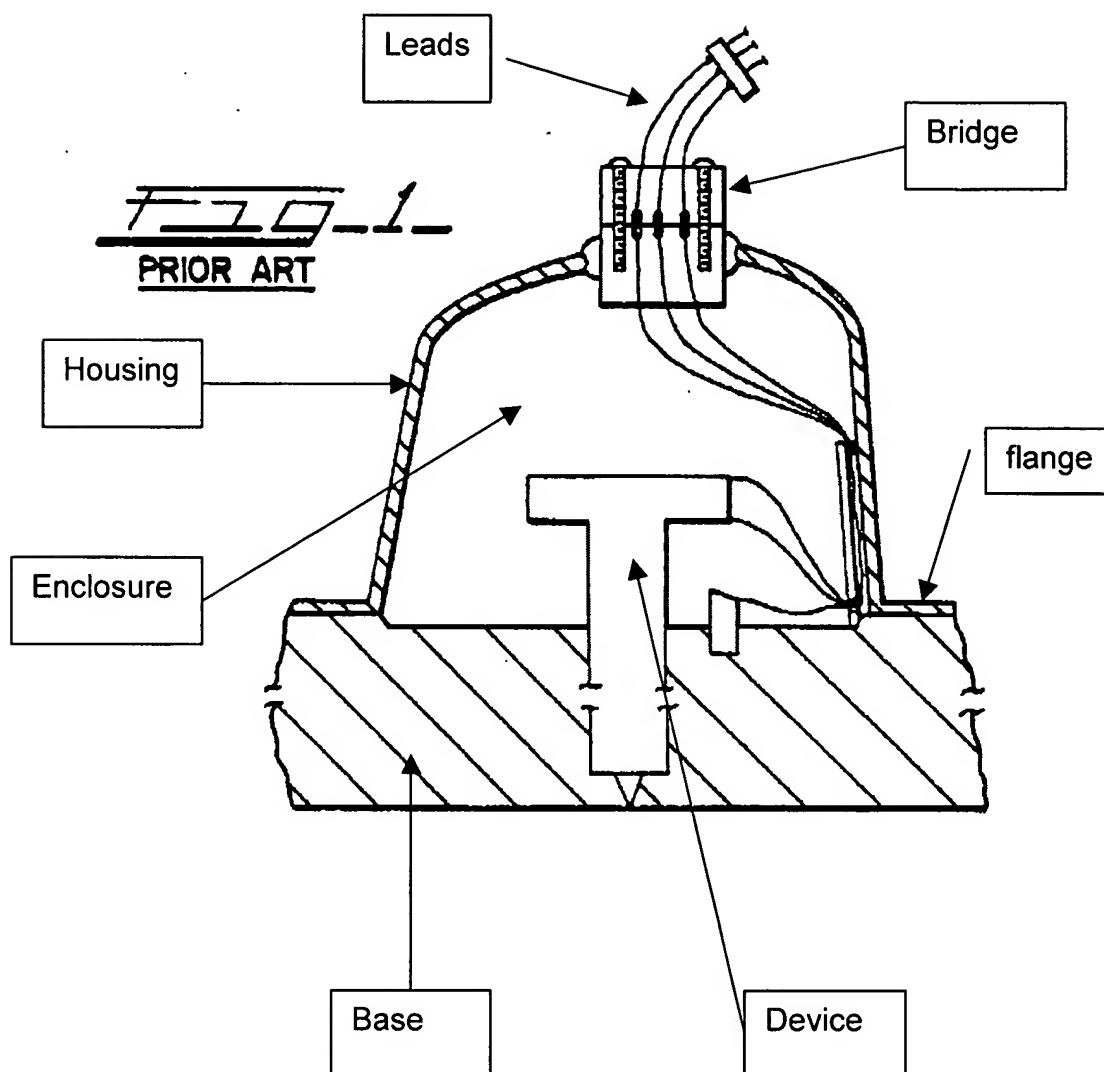
Regarding claims 1,3: Mathew discloses a cover with an electrical bridge comprising a base component; a housing mounted to the base component defining an enclosure therein; at least one electrical connector integrally formed with the housing, the at least one electrical connector including one or more electrical leads that extend through the housing for allowing electrical energy to pass from an electrical source

outside the housing to an electrical device within the enclosure, thereby forming an electrical bridge between the electrical source and the electrical device wherein "the electrical bridge does not extend along an exposed surface of the housing" (see labeled figure below).

Mathew fails to disclose a composite cover; the housing made of non conductive material.

Santella teaches a composite cover that is made of non conductive material (see abstract). Santella further teaches that such arrangement has the advantages of lighter weight, better noise reduction and better dimensional stability (see column 2, lines 7 to 13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mathew's device by providing on conductive composite material as taught by Santella in order to increase the performance of the cover as taught by Santella.



Regarding claim 2: Mathew discloses a seal disposed between the base component and the housing (see figure 2, numeral 12).

Regarding claim 4: Santella discloses the cover comprises a valve cover for an internal combustion engine of a vehicle (see abstract).

Regarding claim 4: Mathew discloses the cover comprises a valve cover for an internal combustion engine of a vehicle (see title).

Regarding claim 5: Mahew discloses the base component comprises a cylinder head of the internal combustion engine (see numeral 28).

10. Claims 6-8,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathew et al. (5,035,637) in view of Santella (5,375,569) as applied to claim 1 above; and further in view of Billimack et al. (6,371,073).

Regarding claim 6: Mathew as modified above discloses the claimed invention as recited above; however, fails to disclose the cover comprises an oil pan.

However, Billimack teaches the cover comprises an oil pan, in that Billimack teaches the cover or oil pan cover upon the cylinder head (see column 4, lines 30 to 35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Mathew as modified above by providing an oil pan as taught by Billimack in order to lubricate the moving parts in the cylinder head.

Regarding claim 10: Billimack discloses the base component comprises transmission in that the Billimack discloses a base component that is flywheel housing (18) or engine cylinder block (16) (see the figure).

Regarding claim 7: Mathew as modified above discloses the housing comprises a bottom "pan" flange (see labeled figure above).

Regarding claim 8: Mathew discloses a "premold" positioned along a periphery of the bottom pan flange (see numeral 12). As to the method of "premold", a product by process claim is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon the applicants to come forward with evidence establishing an unobvious difference between the two. See *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983)

Allowable Subject Matter

11. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zelalem Eshete whose telephone number is (571) 272-4860. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zelalem Eshete
Examiner
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A handwritten signature in black ink, appearing to read 'Zelalem Eshete', with a stylized flourish at the end.